Filed 8/10/10 In re Elsie D. CA2/3

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re ELSIE D., a Person Coming Under the Juvenile Court Law. _____ LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. E.D., Defendant and Appellant.	B221763 (Los Angeles County Super. Ct. No. CK73625)

APPEAL from orders of the Superior Court of Los Angeles County, Donna Levin, Referee. Affirmed.

Roland Koncan, under appointment by the Court of Appeal, for Defendant and Appellant.

Andrea Sheridan Ordin, County Counsel, James M. Owens, Assistant County Counsel, and Melinda S. White-Svec, Deputy County Counsel, for Plaintiff and Respondent.

INTRODUCTION

Father E.D. (Father) appeals from juvenile court orders terminating his parental rights to his daughter Elsie D. and terminating family reunification services to him. Father claims he did not receive proper notice of the hearing in which the juvenile court ordered termination of parental rights. However, Father received proper notice of requirement that he file a petition for extraordinary writ review from the previous order setting a Welfare and Institutions Code section 366.26[1] hearing, and his failure to file that petition bars his appeal from the order terminating parental rights. We conclude that even if review of Father's claims on appeal is possible, no error occurred because of lack of notice of the section 366.26 hearing in which parental rights were terminated or because the juvenile court terminated family reunification services. We affirm the orders.

FACTUAL AND PROCEDURAL HISTORY

Detention: Elsie D., born on July 6, 2008, was placed on a hospital hold on July 9, 2008, after Michelle C. (Mother) tested positive for marijuana after giving birth. E.D. (Father) and Mother were not married. Mother initially refused to communicate with a CSW about her positive drug test, denied using marijuana, and stated that she did not have a drug problem, explaining that she probably took one hit of marijuana and now the social worker was going to take her baby away because of one hit of marijuana. The CSW raised other issues, since Mother had a long history with children's services and had never reunified with her three other children. Mother then refused to talk further with the CSW. The CSW told Mother she should explain how she planned to parent Elsie. Mother stated that Father had two nannies lined up. Mother also had an extensive criminal history, with many arrests and convictions for use of a controlled substance, petty theft, first degree burglary, grand theft, use of controlled substance, burglary and possession of a controlled substance, and multiple parole violations which returned her to prison. Mother said she had no family and was taken from her own parents "because they were doing the same thing I'm doing." She said Father was her support system, that

[1] Unless otherwise specified, statutes in this opinion will refer to the Welfare and Institutions Code.

he did not use drugs, and that he had supportive family members. She stated that Father spoke only Spanish, that she spoke no Spanish, and she and Father communicated "carefully."

Father came to the hospital on July 8, 2008, to sign the birth certificate and name the baby, although he stated he was not sure he was the father. Elsie remained at the hospital pending a Team Decision Meeting (TDM) about Mother's drug use. This upset Mother, who stated she was leaving the hospital and started to pack. Mother believed the TDM was futile, that Elsie was going to be taken from her, and she planned to live with Father, who would hire two nannies for Elsie. Mother refused to attend the TDM and said the DCFS could work through Father.

The CSW told Mother she had the power to make sound decisions and have Elsie returned to her care. Mother calmed down, and stated that she did not know when she last smoked marijuana or how often she used marijuana, but agreed to drug test that day and to attend the TDM.

A CSW determined that the home address provided by Mother was a business, Gil's Auto Glass and Tires. A security guard there said no one slept at that address and the building had no living area. The property was filthy, with tires thrown about inside a garage area, and had no light or any signs that anyone lived at that address.

On July 9, 2008, Father told a CSW he worked and did not use drugs, was willing to drug test, and despite his doubts about being Elsie's father he was willing to take responsibility, cooperate with the DCFS, and care for Elsie if Mother could not. Father was willing to attend the TDM.

Father said his home address was 1033 Cary Avenue in Wilmington. A CSW responded to that address, a back house at 1031 Cary Avenue. A woman at the front house stated that no one by the name of Father or Mother lived at that address. Two other women in the front house stated that they were renting the house from a man named Gil, who collected rent monthly but did not live there.

A TDM was held on July 10, 2008. Father said he was waiting for a relative who would care for Elsie. After Mother said she used marijuana because of nausea and did not use drugs during her pregnancy, she changed that statement, first saying her drug use was a one-time incident one week before giving birth and then stating she used regularly before her last use one week earlier. Mother said if it was up to her she would not have had the baby, but it was Father's first child and he wanted to raise her. Mother said she did not know the dangers of drug use for her unborn baby, and said her previous three children were not born exposed to drugs. Mother admitted she never went to a drug program even though that would have helped her reunify with her previous children, and said she had not fought to keep her three other children.

Father said he knew Mother smoked marijuana, but asked her to stop in December 2007 when he found out she was pregnant. He said Mother had no support system when she lost her previous three children, but things would be different this time because Father could provide her and Elsie with housing and food. Father worked a lot, and had not seen Mother and the baby until two days after Elsie was born. Father said he was not sure if he was Elsie's father, but stated that he wanted a paternity test and if he was found to be the father he would take care of Elsie. Father stated that if he and Mother could not take Elsie home, he would like his brother and sister-in-law to babysit her. Father said he and Mother would live at 1033 Cary after he removed a current tenant, and that presently he and Mother slept in a room at his business, which had no kitchen but had a bassinette and bathroom. Later a CSW evaluated the living arrangement reported by the parents at the business address, which had a small room with a twin bed and bassinette and a bathroom with hot water. There was no electricity, however, and the bedroom had piles of debris and beer cans and was dirty and unsuitable for a child.

On July 11, 2008, Elsie was released to foster mother Mana Z. Father had seen Elsie only once since she was born on July 6, 2008, although he had the opportunity to see her every day.

On July 14, 2008, the juvenile court found a prima facie case was established to detain Elsie as a person described by section 300, subdivision (b) and ordered temporary placement and custody vested with the DCFS pending disposition. The juvenile court also found Father to be Elsie's alleged father. The juvenile court ordered the DCFS to provide family reunification services and ordered a DNA test to determine whether Father was the father of Elsie.

Petition: On July 11, 2008, the DCFS filed a section 300 petition alleging that Elsie was a person described by section 300, subdivision (b) [child suffered, or there was a substantial risk the child would suffer, serious physical harm or illness as a result of her parent's failure or inability to supervise or protect the child or to provide regular care due to the parent's substance abuse].

Adjudication and Disposition: The DCFS reported that Mother had an extensive history with the DCFS since 1998 and previously lost three other children to unresolved issues that first brought her and the children to the attention of the DCFS. Mother continued to deny her substance abuse problem, admitted she never wanted to have Elsie, and was not honest about how her lifestyle contributed to her other children being adopted. Mother did not believe she needed treatment, although documentation from previous cases showed Mother had a problem with methamphetamines and marijuana yet failed to enroll in any program. Father was in denial about the impact of Mother's substance abuse and believed the birth of Elsie would change Mother. Father claimed he had no knowledge about Mother's drug use during her pregnancy, despite being aware of her history. Father had no plan for caring for the child by himself, and his current living situation was unfit and hazardous for the child.

The DCFS reported its concern that Father had inquired how he could "sell" a child and had commented that he had at least three people interested in Elsie, one of whom was his brother. During visits with Elsie, Father had minimal contact and rarely interacted with her, usually sitting in the room as Mother played with Elsie.

On September 18, 2008, the juvenile court adjudicated the matter, sustained the petition as to Mother, and found that Elsie was a person described by section 300, subdivision (b). The juvenile court continued the matter to October 2, 2008, for disposition.

On September 15, 2008, DNA testing assessed the probability of Father's paternity of Elsie as 99.99 percent. On October 2, 2008, the juvenile court found Father to be the biological father of Elsie. The juvenile court also adjudicated the matter, sustained the petition as to Father, found that Elsie was a person described by section 300, subdivision (b), and continued the matter for a dispositional hearing on October 15, 2008.

At the October 22, 2008, dispositional hearing, the juvenile court declared Elsie a dependent child of the court under section 300, subdivision (b), and ordered her removed from the parents' physical custody pursuant to section 361, subdivision (b) and placed in the care of DCFS for suitable placement. The trial court ordered family reunification services for Mother, notified her that services would be provided for only six months, ordered Mother to participate in drug rehabilitation with weekly random testing, individual counseling to address case issues, and to participate in parent education. The juvenile court ordered Father to participate in parent education and individual counseling to address case issues including substance abuse awareness. The juvenile court ordered the DCFS to provide family reunification services that took into account Father's illiteracy and that he spoke Spanish only; referrals were to be for a Spanish-speaking therapist. The court ordered notices to Father be in writing and confirmed verbally to him, as long as he made his whereabouts known to the DCFS. The matter was set for a permanent plan hearing on April 22, 2009.

Six-Month Review: For the April 22, 2009, hearing, the DCFS reported that Elsie was successfully placed at the home of her paternal aunt and uncle. Father attended individual counseling through Harbor Area Counseling Services in San Pedro, and had attended five counseling sessions. He reported participating in a parenting program at Banning High School but had not provided the instructor's name and phone number for

confirmation. Mother and Father continued living together. Father said he did not wish to leave Mother despite her substance drug addiction. Father was considered in partial compliance with court orders.

Father visited Elsie on Sundays at the caregivers' home. The caregiver monitored visits and reported that Father's visits were appropriate, and Elsie responded positively to his attention. Father stated his intention to complete programs, and to continue living with mother in the same place. Father stated that he would like his brother and sister-in-law to adopt Elsie.

Mother had not made herself available to the DCFS and there was no information as to her participation in court-ordered programs. Mother failed to drug test on ten dates from November 7, 2008 to March 23, 2009. Mother was considered out of compliance with court-ordered ordered programs.

On April 22, 2009, the juvenile court found that Mother was not in compliance with the case plan, and that Father was in partial compliance with the case plan. The juvenile court ordered a permanent plan of permanent placement with Elsie's aunt and uncle, with a specific goal of adoption. The juvenile court ordered family reunification services terminated for the parents, and set the matter for a section 366.26 hearing on August 19, 2009. The juvenile court ordered the court clerk to mail the notice of intent to file writ petition, advisement of rights, and copy of the April 22, 2009, minute order to Mother, Father, the parents' attorneys, the minor's counsel, and County Counsel. The August 19, 2009, hearing was subsequently continued to October 1, 2009.

Section 366.26 Hearing: For the October 1, 2009, section 366.26 hearing, the DCFS reported that Elsie continued to live in her prospective adoptive parents' home, as she had done for 11 months. That home was stable and appropriate for Elsie, who was very bright, was developing age appropriately, and was observed to interact positively with her prospective adoptive parents.

The prospective adoptive parents reported that the parents had not visited Elsie since July 11, 2009. The parents had not shown a desire to provide Elsie with a safe and stable environment.

At the hearing, continued to January 7, 2010, the juvenile court ordered parental rights terminated, declared Elsie free from the custody and control of Mother and Father, ordered custody and control of Elsie transferred to the DCFS for the purposes of adoption planning and placement, found it likely that Elsie would be adopted, and designated the child's aunt and uncle as prospective adoptive parents.

Father filed a timely notice of appeal.

ISSUES

Father claims on appeal that:

1. The order terminating Father's parental rights should be reversed and remanded because Father did not receive notice of the section 366.26 hearing;

2. Father did not receive proper notice of his right to file a writ petition; and

3. The juvenile court erroneously terminated reunification services for Father.

DISCUSSION

Father claims that he did not receive proper notice of the January 7, 2010, section 366.26 hearing, which requires reversal of the order terminating his parental rights.

The first issue, however, is whether Father can bring this appeal.

1. *Father Received Proper Notice of the Writ Requirement of Section 366.26, Subdivision (l), and His Failure to File a Petition for Extraordinary Writ Review Bars This Appeal*

Section 366.26, subdivision (*l*) bars an appeal from an order terminating parental rights pursuant to section 366.26 if the appellant did not file a petition for extraordinary writ review from the previous order setting a section 366.26 hearing. Section 366.26, subdivision (*l*)(1) states, in relevant part:

"(*l*)(1) An order by the court that a hearing pursuant to this section be held is not appealable at any time unless all of the following apply:

"(A) A petition for extraordinary writ review was filed in a timely manner.

"(B) The petition substantively addressed the specific issues to be challenged and supported that challenge by an adequate record.

"(C) The petition for extraordinary writ review was summarily denied or otherwise not decided on the merits.

"(2) Failure to file a petition for extraordinary writ review within the period specified by rule, to substantively address the specific issues challenged, or to support that challenge by an adequate record shall preclude subsequent review by appeal of the findings and orders made pursuant to this section."

Section 366.26, subdivision (*l*)(3)(A) directs the Judicial Council to adopt rules of court to ensure that: "(A) A trial court, after issuance of an order directing a hearing pursuant to this section be held, shall advise all parties of the requirement of filing a petition for extraordinary writ review as set forth in this subdivision in order to preserve any right to appeal in these issues. This notice shall be made orally to a party if the party is present at the time of the making of the order or by first-class mail by the clerk of the court to the last known address of a party not present at the time of the making of the order."

Father claims that the clerk's certificate of mailing mailed to him on April 23, 2009, was written in English, which violated an October 23, 2008, special notice order of the juvenile court. That order stated:

"1. DCFS shall provide family reunification services which take into account Father's illiteracy and that he is Spanish speaking only, i.e. referrals to [Spanish-speaking] parenting classes and a [Spanish-speaking] therapist.

"2. Notices to Father shall be in writing and confirmed verbally to him, as long as Father makes his whereabouts known to the Dept."

First, this order requires the DCFS to provide family reunification services which take into account that he is Spanish speaking only, and gives as examples referrals to Spanish-speaking parenting classes and a Spanish-speaking therapist. It does not require written notices to Father in Spanish. Second, section 8 states, in relevant part: "[w]henever any notice . . . is required or authorized by this code, it shall be made in writing in the English language." The clerk's April 23, 2009, certificate of mailing in English did not violate the trial court's order and complied with section 8. It reflects that

the Clerk of the Court served a " '[n]otice of intent to File Writ Petition and Request for Records, Rule 39.1B' " and an " '[a]dvisement of Rights (366.26 W.I.C.)' " Thus Father received proper notice, pursuant to section 366.26, subdivision (*l*)(3)(A) of the requirement that he file a petition for extraordinary writ review of the order setting a section 366.26 hearing. He therefore cannot claim the exemption from the provisions of section 366.26, subdivision (*l*) where the juvenile court fails to give a party notice of the writ review requirement. (See *In re Rashad B.* (1999) 76 Cal.App.4th 442, 447-448; *In re Athena P.* (2002) 103 Cal.App.4th 617, 625.) His failure to file a petition for extraordinary writ review from the April 22, 2009, order setting a section 366.26 hearing bars his appeal from the January 7, 2010, order made pursuant to section 366.26.

2. *The Error in Notice to Father of the Continued January 7, 2010, Section 366.26 Hearing Was Harmless*

Even if review of Father's claims on appeal is possible, no error occurred because of lack of notice of the section 366.26 hearing at which parental rights were terminated, or because the juvenile court erroneously terminated family reunification services to him.

a. *Although Lack of Statutory and Actual Notice to Father of the Continued January 7, 2010, Section 366.26 Hearing Violated His Due Process Right, the Harmless Error Standard Applies*

Father claims he did not receive proper notice of the January 7, 2010, section 366.26 hearing, which requires reversal of the order terminating his parental rights.

Section 294 governs notice of a section 366.26 hearing. It states, in relevant part: "The social worker . . . shall give notice of a selection and implementation hearing held pursuant to Section 366.26 in the following manner:

"(a) Notice of the hearing shall be given to the following persons:

"[¶] . . . [¶]

"(2) The fathers, presumed and alleged.

"[¶] . . . [¶]

"(c)(1) Service of the notice shall be completed at least 45 days before the hearing date. Service is deemed complete at the time the notice is personally delivered to the person named in the notice or 10 days after the notice has been placed in the mail, or at the expiration of the time prescribed by the order of publication."

In its April 22, 2009, order, the juvenile court set a section 366.26 hearing for August 19, 2009. On June 4, 2009, the August 19, 2009, hearing was continued to October 1, 2009. On August 10, 2009, the DCFS served Father with a notice of the October 1, 2009, hearing, at which the juvenile court would terminate parental rights pursuant to section 366.26. The notice informed Father he had the right to be present at the hearing, to present evidence, and to be represented by an attorney; that before the hearing Father was to be provided with a copy of the social worker's assessment report with recommendations; and that the juvenile court would proceed with the hearing whether or not Father was present. An attached document, "Important Message About the Enclosed Notice of Action" stated, in English, that "If you can't read or understand the enclosed notice, call your worker," in Spanish "Si usted no puede leer o entender la notificación incluida, llame a su trabajador(a)[,]" and in six other languages. The August 10, 2009, service of the notice of the October 1, 2009, hearing was completed at least 45 days before the hearing date and thus complied with section 294. Section 294 does not require verbal confirmation of the notice.

Father did not appear at the section 366.26 hearing on October 1, 2009. The juvenile court found that notice of the proceedings had been given to all parties as required by law and continued the hearing to November 12, 2009. Section 294, subdivision (d) states, in relevant part: "Regardless of the type of notice required, or the manner in which it is served, once the court has made the initial finding that notice has properly been given to the parent . . . subsequent notice for any continuation of a Section 366.26 hearing may be by first-class mail to any last known address, by an order made pursuant to Section 296, or by any other means that the court determines is reasonably calculated, under any circumstance, to provide notice of the continued hearing. . . . " On October 2, 2009, the DCFS sent father a notice of the November 12, 2009, section 366.26

hearing by first-class mail, and thus complied with the requirements of section 294, subdivision (d).

Father was not present in the hearing on November 12, 2009, in which the juvenile court continued the section 366.26 hearing to January 7, 2010. Father's attorney was present at the November 12, 2009, hearing, and thus the juvenile court could have reasonably inferred that notice to Father's attorney constituted actual notice to Father of the continued January 7, 2010, hearing. (See *In re Desiree M.* (2010) 181 Cal.App.4th 329, 335.) That such an inference was reasonable was bolstered by the silence of Father's counsel when, in the January 7, 2010, the trial judge stated that Father had notice. (*Ibid*.) Moreover, by remaining silent and not objecting when the juvenile court found that notice had been given as required by law, Father's counsel's failure to object to lack of notice or noncompliance with section 294 arguably waived or forfeited the assignment of error on appeal. (See *In re Sabrina H.* (2007) 149 Cal.App.4th 1403, 1419.)

Nonetheless the record does not contain written notice to Father of the January 7, 2010, hearing. Resumption of the section 366.26 hearing without some proof of actual notice to Father violated his due process rights. (*In re Angela C.* (2002) 99 Cal.App.4th 389, 393.) Such error, however, is not structural error requiring automatic reversal; it is trial error, and is subject to assessment in the context of other evidence presented in order to determine whether the error was harmless beyond a reasonable doubt. (*Id*. at pp. 394-395, citing *Chapman v. California* (1967) 386 U.S. 18, 24; *In re Desiree M.*, *supra*, 181 Cal.App.4th at p. 335; see also *In re Daniel S.* (2004) 115 Cal.App.4th 903, 912-913.)

As in *Angela C.*, Father had notice of the dependency proceedings from the outset, and received proper notice of the originally scheduled section 366.26 hearing on October 1, 2009. As in *Angela C.*, Father failed to attend the initial section 366.26 hearing. Father received notice of the section 366.26 hearing continued to November 12, 2009, but did not attend that hearing. Father did not receive written notice of the continued January 7, 2010, hearing. Where Father received proper notice of the originally scheduled section

366.26 hearing and of the continued November 12, 2009, hearing, but did not receive notice of the continued January 7, 2010, hearing, "[t]he error at most affects the manner in which the court conducts the termination hearing in that it becomes an uncontested hearing. However, had the court proceeded on the originally scheduled hearing date . . . that hearing too would have been uncontested in that appellant failed to attend the hearing as originally noticed . . . . Also, given appellant's prior participation in the proceedings, as well as [the parent's] election not to attend the originally scheduled termination hearing, we can quantitatively assess the error in the context of other evidence presented in order to determine whether the error was harmless beyond a reasonable doubt." (*In re Angela C.*, *supra*, 99 Cal.App.4th at p. 395.)

Thus this case differs from *In re DeJohn B.* (2000) 84 Cal.App.4th 100, which found reversible structural error (rather than trial error subject to the harmless error standard) where the child services agency never tried to notify a parent of a six-month review hearing at which reunification services to that parent were terminated. (*Id*. at pp. 106-107.) This case also differs from *In re Jasmine G*. (2005) 127 Cal.App.4th 1109, in which the juvenile court ordered the children's service agency to attempt to notify the parent, but the child services agency ceased to make any attempt to locate the parent after a six-month review hearing, failed to inform the parent of the upcoming section 366.26 hearing in eight conversations in which a social worker spoke with the parent, and did not even try to notify the parent at her new address or to advise the parent's attorney of that address. The juvenile court denied a request by the parent's attorney to continue the section 366.26 hearing to allow him to locate and notify her. (*Id*. at pp. 1113-1114.) In these circumstances *Jasmine G*. found that failure to attempt to give the parent statutorily required notice of a section 366.26 hearing was a structural defect requiring automatic reversal. (*Id*. at p. 1116.) It was the lack of any attempt to give notice which made *Jasmine G.* "qualitatively different" from *Angela C.* (*Id*. at pp. 1117-1118.) Here the DCFS did not completely fail to give notice to Father, and indeed, it could be inferred that notice to Father's attorney at the November 12, 2009, hearing, constituted actual notice to Father of the continued January 7, 2010, hearing. (*In re Desiree M., supra*,

181 Cal.App.4th at p. 335.) We therefore hold that the failure to provide notice of the continued January 7, 2010, hearing was trial error subject to the harmless error standard.

b. *The Error Was Harmless and Does Not Require Reversal*

Having reviewed the error under the *Chapman* standard, we find that the failure to notify Father of the continued section 366.26 hearing date was harmless beyond a reasonable doubt. The main issue in a section 366.26 hearing is whether the dependent child is likely to be adopted. The juvenile court found, and the evidence supports the finding, that Elsie was likely to be adopted, as she was developing appropriately and was successfully placed with prospective adoptive parents with whom Elsie had bonded emotionally and who expressed the desire to adopt Elsie.

Once the court finds the likelihood of adoption, section 366.26, subdivision (c)(1) requires termination of parental rights unless an exception in subdivision (c)(1)(A) or (c)(1)(B) applies. One such exception would apply if the juvenile court finds a compelling reason for determining that termination would be detrimental to the child because of one or more circumstances enumerated in section 366.26, subdivision (c)(1)(B)(i) through (C)(1)(B)(vi). Father's counsel made no argument in the juvenile court hearing that any exception applied, and does not do so on appeal. From our review of the record, none of the exceptions would require reversal of the order terminating parental rights. Therefore we can declare beyond a reasonable doubt that the error in notice to Father of the continued section 366.26 hearing on January 7, 2010, was harmless and does not require reversal.

3. *The Order Terminating Reunification Services is Affirmed*

a. *Father Received Notice of the Section 366.21, Subdivision (e) Hearing*

Father claims that he did not receive proper notice of the section 366.21, subdivision (e) hearing held on April 22, 2009, at which time the juvenile court ordered family reunification services terminated. Section 293, subdivision (a) requires notice of a hearing held pursuant to section 366.21 to any father receiving services (§ 293, subd. (a)(2)) to be served not earlier than 30 days and not later than 15 days before the hearing (*id.* at subd. (c)). The notice was personally served on Father on March 31, 2009.

Section 293, subdivision (d) requires the notice to contain "a statement regarding the nature of the hearing to be held and any change in the custody or status of the child being recommended by the supervising agency." The notice to Father states that the social worker recommended a change in orders, services, placement, custody or status, but referred to the termination of family reunification services for Mother , not for Father. Father, however, was present in the hearing on October 22, 2008, and was assisted by an interpreter. At that hearing the juvenile court notified Father that failure to participate regularly and make substantive progress in court-ordered treatment programs could result in termination of reunification services on April 22, 2009, for Elsie. Thus he received notice of the nature of the hearing to be held and of any change in the status of the child being recommended by the DCFS.

b. *Substantial Evidence Supports the Order Terminating Reunification Services*

Father further argues that he was in substantial compliance with the case plan, and therefore the juvenile court erroneously ordered termination of family reunification services as to him on April 22, 2009.

In the April 22, 2009, hearing, the juvenile court found Father to be in partial compliance with the case plan. This court reviews the correctness of an order pursuant to section 366.21 to determine if it is supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1020.) Father had been ordered to participate in parent education and in individual counseling to address case issues including substance abuse awareness. Although Father had begun individual counseling, he had attended only five counseling sessions. Father reported participating in a parenting program, but had not provided the instructor's name and phone number for confirmation, and there was no evidence that Father had completed the parenting education program. Consequently substantial evidence supported the juvenile court's finding that Father was in only partial compliance with his case plan. We affirm the order terminating family reunification services.

DISPOSITION

The orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

KITCHING, J.

We concur:

KLEIN, P. J.

CROSKEY, J.